

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

DONNA HEINEL, et al.,

Defendants


No. 19-cr-10081-IT

DECLARATION OF FBI SPECIAL AGENT LAURA SMITH

I, Laura Smith, state as follows.

1. I am a Special Agent of the Federal Bureau of Investigation (FBI).
2. On September 27, 2018, I was present at a meeting at the United States Attorney's Office in Sacramento, California. Present at the meeting were agents and prosecutors assigned to the investigation of William "Rick" Singer, Mr. Singer, and Mr. Singer's attorney.
3. During the meeting, Singer and his attorney signed a consent form to allow for a consensual wiretap of phone number 916-384-8802.
4. After the meeting, I sent Singer's consent form to FBI technical operations, with a letter signed by an Assistant United States Attorney, dated September 20, 2018. I understand that the letter signed by the Assistant U.S. Attorney is a form letter that was developed by AT&T and DOJ/FBI collaboratively and has been in place for approximately 20 years.
5. According to FBI records that I have reviewed, an FBI technical agent in the Boston Field Office faxed the letter and the consent form to AT&T on September 28, 2018. *See* Exhibit A.
6. I have reviewed a confirmation from AT&T showing that AT&T received the letter and consent form from the FBI on September 28, 2018. *See* Exhibit B.

Signed under penalty of perjury,

 10/14/2021

LAURA SMITH
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

EXHIBIT A
FAX COVER SHEET
FAX CONTENT

**AT&T WIRELESS CARRIER REQUEST FORM**

11760 U.S. HWY ONE, 6TH FLOOR, NORTH PALM BEACH, FL 33408
 PHONE 800-635-6840, OPTION 2 • FAX 888-938-4715

CONTACT INFORMATION

Requesting Agency: FBI-Boston	
LEA Tracking Number: ATT-BS-20180928-0001	Date: 9/28/2018
Primary POC: [REDACTED]	Office: [REDACTED] Mobile:
Email Addr: [REDACTED]	Fax: (857) [REDACTED]
Additional Authorized Contacts: <See Attachment>	Billing Address: Federal Bureau of Investigation Mailstop/Attn to: FBI ETMU ERF, Building 27958A Quantico, VA 22135

****Please include last four digits of Target's telephone number and the LEA Tracking Number on invoice****

LEGAL AUTHORITY

Legal Authority: Consensual Monitoring	Court Order / Docket Number: Consent ELA 13
Action: New Activation	Date / Time Signed: 09/27/2018 12:00 AM EST
Cell Site Location Authorized: No	Judges Name: AUSA Eric Rosen

PROVISIONING INFORMATION

Target Identifier: (916) 384-8802 <input type="checkbox"/> International Number <input type="checkbox"/> IMSI/MSID	
CALEA Services Pen Register / Trap and Trace Start: _____ End: _____ <input type="checkbox"/> Telephony <input type="checkbox"/> Packet Data/WiFi <input type="checkbox"/> Text Messaging <input type="checkbox"/> With Cell Site Location <input type="checkbox"/> Push-To-Talk <input type="checkbox"/> With PCTDD PTT ID: _____ Full Content Start: 09/27/2018 End: 12/26/2018 <input checked="" type="checkbox"/> Telephony <input checked="" type="checkbox"/> Packet Data/WiFi <input checked="" type="checkbox"/> Text Messaging <input type="checkbox"/> With Cell Site Location <input checked="" type="checkbox"/> With PR/TT <input type="checkbox"/> With PCTDD <input type="checkbox"/> Push-To-Talk PTT ID: _____	Historical Records Services Start: _____ End: _____ <input type="checkbox"/> Call Detail Records <input type="checkbox"/> With Cell Site Location <input type="checkbox"/> With PCTDD <input type="checkbox"/> Stored Voicemail <input type="checkbox"/> Stored Photos <input type="checkbox"/> Cell Tower Search Location Services Start: _____ End: _____ <input type="checkbox"/> GPS Ping <input type="checkbox"/> CALEA Event-Based Location Frequency: <input type="checkbox"/> 15 Min <input type="checkbox"/> 30 Min <input type="checkbox"/> 60 Min Delivery Email: _____ Delivery Email: _____ Carrier Case #: _____
Audio Delivery: Dial Down 1: (857) [REDACTED] Dial Down 2: _____ Method: _____ Call Data Channel Delivery: IP: _____ Port: _____ CFID: 25 Packet Data/WiFi Delivery: IP: _____ Port: _____ CFID: 66	
Markets/Switches: Northeast, Southeast, Central, West,	

REMARKS/SPECIAL INSTRUCTIONS

Existing Court ordered intercept being converted to Consensual intercept (effective 9/27 - 12/26/2018). This is a renewal. See attached for authorized contacts.

SERVICE PROVIDER USE ONLY:

Date received: ____/____/____	Time received: _____	<input type="checkbox"/> AM <input type="checkbox"/> PM	Received by: _____
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September 20, 2018

Re: Consensual Monitoring of Wireless Phone by Law Enforcement

Dear:

Kindly accept this correspondence as confirmation of representations made by the Department of Justice (DOJ) and the **Federal Bureau of Investigation (FBI)** regarding the consensual monitoring of mobile phones for law enforcement purposes pursuant to 18 U.S.C. § 2511 (2)(c). The specific phone referenced in this letter for AT&T's assistance in conducting consensual monitoring is an AT&T cellular telephone assigned telephone number 916 384 8802 .

Pursuant to 18 U.S.C. § 2501 *et seq.*, the law enforcement agencies of the Department of Justice sometimes consensually monitor the wire and electronic communications of confidential informants and other parties in order to gather information for their criminal investigations. As you know, consent of one of the parties to a communication is sufficient under the law to permit monitoring without court order. Even though consensual monitoring does not require a judge's authorization, given the portability of cellular phones and possibility of civil liability arising from someone other than the consenting party using the phone, AT&T has been requiring prosecutors to obtain a court order before permitting consensual monitoring.

Since we are aware of your concerns regarding the portability, and correspondingly the common transfer of mobile phones to non-consenting third parties, the **DOJ/FBI** propose that with consensual monitoring under 18 U.S. C. § 2511, consenting parties will be required to sign a consent and acknowledgment form pledging that the target phone will not be used by anyone else, including the uses of cell phone photography and text messaging. A sample copy of this form is attached.

After a thorough review of current applicable law, it is the position of the **DOJ/FBI** that an order is not required when a party to a communication consents to the monitoring, even when that phone used is inherently mobile; however, since the **DOJ/FBI** also recognizes the rights of third parties should be protected, the consenting party will be required to read and sign a statement pledging that the phone shall not be used by any other party.

We hope that this information assuages AT&T's concerns. Should you have any additional questions, please do not hesitate to contact us. Thank you for your anticipated cooperation in this matter.

Sincerely yours,



AUSA Signature

ERIC S. ROSEN

AUSA Printed Name

CONSENT AND ACKNOWLEDGEMENT

I, RICK SINGER, hereby state that:

1. I consent to the interception and recording of any and all communications made by me over all telephones, cellular or otherwise, provided to or made available to me by law enforcement agents in connection with actions taken by me in connection with law enforcement agents. My consent extends to all communications over any such phone, whether or not that communication relates to a criminal investigation, to any and all messages left on any voicemail feature of any such phone, photographs taken using the phone, and text messaging. I further consent to the disclosure of any information or records regarding such communications to law enforcement agents.

2. I acknowledge that I have been instructed that any cellular telephones provided to me in the course of my activities are to be used only by me, and that I am not authorized to allow any other person to make, receive or participate in telephone calls involving those telephones as defined above in which I am not a participant.

Date: 9/27/18

Rick Singer
Signature

Rick Singer
Printed Name

Donald H. Heller
Witness/Interpreter Signature

Donald H. Heller
Witness/Interpreter Printed Name



U.S. Department of Justice
Federal Bureau of Investigation

June 30, 2017

Boston FBI Telecommunication Carrier Authorized Additional Contact List

Non Emergency Boston Technical Help Line: 857-[REDACTED]

Fax: 857-[REDACTED]

-SA TTA [REDACTED]; c: 617-[REDACTED], email: [REDACTED]@fbi.gov
-SA TTA [REDACTED]; c: 617-[REDACTED], email: [REDACTED]@fbi.gov
-SA TTA [REDACTED]; c: 617-[REDACTED], email: [REDACTED]@fbi.gov
-SA TTA [REDACTED]; c: 781-[REDACTED], email: [REDACTED]@fbi.gov
-SA TTA [REDACTED]; c: 774-[REDACTED], email: [REDACTED]@fbi.gov
-SA TTA [REDACTED]; c: 978-[REDACTED], email: [REDACTED]@fbi.gov
-OST [REDACTED]; O: 857-[REDACTED], email: [REDACTED]@fbi.gov
-SA TTA [REDACTED]; c: 617-[REDACTED], email: [REDACTED]@fbi.gov
-SA TTA [REDACTED]; c: 617-[REDACTED], email: [REDACTED]@fbi.gov
-TS [REDACTED], 617-[REDACTED], email: [REDACTED]@fbi.gov
-SA TTA [REDACTED]; c: 617-[REDACTED], email: [REDACTED]@fbi.gov
-SA TTA [REDACTED]; c: 207-[REDACTED], email: [REDACTED]@fbi.gov

EXHIBIT B
FAX
CONFIRMATION



RESPONSE COVER SHEET

11760 US HIGHWAY 1
SUITE 600
NORTH PALM BEACH, FL 33408-3029
Phone (800) 635-6840 Facsimile (888) 938-4715

To:
FBI BILLING
1 CENTER PLZ, - STE 600
BOSTON, MA 02108

File Code:
2457009.006

Phone Number:
Fax Number:

Request Dated: 9/27/2018
Received On: 9/28/2018

From: DTL
Number of Pages: 1
Date: 9/28/2018

Confirmation of Court Order Installed

**In order to expedite any further requests for records pursuant to this order,
please include the above File Code.**

VOICE

AT&T has calculated the end date of your request as: 12/26/2018 11:45:00 PM

Court Issued Number(s): CONSENSUAL

Target Number(s): XXXXXX8802

Case ID(s):A240(For each target provisioned, your Case ID is the ten digit target number plus A240)

PACKET DATA

IMSI: 310410926734733

Case ID(s): A234 (For each target provisioned, your Case ID is the ten digit target number plus the Case ID)

Wi-Fi

Case ID(s):

MAC Address (s): B0702D261CBF

For each Wi-Fi target provisioned, your Case ID is the twelve digit MAC address, without colons plus the Case ID. **Blank values in the MAC Address field indicates Wi-Fi was not provisioned.**

CONFIDENTIALITY NOTICE

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2457009.006